

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2022/0227(COD)
Specific provisions for the 2014-2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption	
<b>Subject</b> 4.70.05 Regional cooperation, cross-border cooperation 6.40.15 European neighbourhood policy	
<b>Legislative priorities</b> <a href="#">EU support to Ukraine</a> <a href="#">The EU's response to the Covid-19 pandemic</a>	

Key players			
European Parliament	Committee responsible  <span style="background-color: #e67e22; color: white; padding: 2px 5px;">AFET</span> <a href="#">Foreign Affairs</a>	Rapporteur   <a href="#">GAHLER Michael</a>	Appointed  08/09/2022
	Committee for opinion  <span style="background-color: #e67e22; color: white; padding: 2px 5px;">BUDG</span> <a href="#">Budgets</a>	Rapporteur for opinion  The committee decided not to give an opinion.	Appointed  The committee decided not to give an opinion.
	  <span style="background-color: #e67e22; color: white; padding: 2px 5px;">REGI</span> <a href="#">Regional Development</a>	  The committee decided not to give an opinion.	
Council of the European Union European Commission  European Economic and Social Committee European Committee of the Regions	Commission DG  <a href="#">Regional and Urban Policy</a>	Commissioner  <a href="#">FERREIRA Elisa</a>	

Key events			
22/07/2022	Legislative proposal published	<a href="#">COM(2022)0362</a>	Summary
12/09/2022	Committee referral announced in Parliament, 1st reading		
10/10/2022	Decision by committee, without report		
20/10/2022	Results of vote in Parliament		
20/10/2022	Decision by Parliament, 1st reading	<a href="#">T9-0369/2022</a>	Summary

28/10/2022	Act adopted by Council after Parliament's 1st reading	
09/11/2022	Final act signed	
11/11/2022	Final act published in Official Journal	

Technical information	
Procedure reference	2022/0227(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 212; Rules of Procedure EP 163; Treaty on the Functioning of the EU TFEU 209-p1; Treaty on the Functioning of the EU TFEU 178-p1
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	AFET/9/09641

Documentation gateway					
Legislative proposal		<a href="#">COM(2022)0362</a>	22/07/2022	EC	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0369/2022</a>	20/10/2022	EP	Summary
Economic and Social Committee: opinion, report		<a href="#">CES5002/2022</a>	26/10/2022	ESC	
Draft final act		00052/2022/LEX	09/11/2022	CSL	

Final act	
<a href="#">Regulation 2022/2192</a>	OJ L 292 11.11.2022, p. 0001

## Specific provisions for the 2014-2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption

PURPOSE: to lay down specific provisions for the implementation of cooperation programmes affected by Russia's military aggression against Ukraine.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: as a result of the military aggression by Russia as well as by the involvement of Belarus in that aggression, the implementation of thirteen cross-border and two transnational cooperation programmes between nine Member States and Ukraine and the Republic of Moldova on the one hand, and Russia and Belarus on the other, are considerably disrupted for different reasons.

Regarding the programmes with Ukraine, the disruption consists of the impact of the Russian invasion on the implementation of programmes and projects by actors in Ukraine. With regard to the programmes involving Russia and Belarus, the disruption is due to the necessary suspension of the Financing Agreements between the EU and Russia and Belarus in early March as a result of the Russian invasion of Ukraine.

Moreover, the EU, and several of its eastern regions in particular, are continuing to deal with a significant flow of displaced persons from Ukraine. It is therefore logical and necessary to extend the range of flexible measures already introduced for cohesion policy programmes,

including for cross-border cooperation programmes between Member States, to the programmes cooperating directly with Ukraine and the Republic of Moldova to enable them to address this extraordinary situation.

Lastly, the impacts of the COVID-19 pandemic persist in all Member States, requiring prolonged public support for the recovery of the most impacted territorial areas and economic sectors.

Consequently, support from the Funds should be mobilised speedily to alleviate the burden on national budgets.

**CONTENT:** this proposal provides for targeted changes to the 2014-2020 legal framework for cooperation programmes under the European Neighbourhood Instrument (ENI). It aims to:

- facilitate the use of ENI and cohesion policy resources by Member States and regions to support measures to address migratory challenges as a result of the military aggression by Russia;

- allow for a derogation from the normal co-financing rules currently applicable in order to allow for the necessary flexibility to mobilise existing investment resources to address the direct and indirect effects stemming from the Russian invasion of Ukraine and the unprecedented public health crisis in the context of the COVID19 pandemic and facilitate legal certainty for other aspects which programme authorities have to face.

The proposal will facilitate an acceleration of programme implementation and alleviate the burden on beneficiaries and national budgets in the countries most impacted by the war (Ukraine, the Republic of Moldova and the Member States participating in cross-border cooperation with them).

The proposed exceptional targeted changes aim to:

- apply 100% co-financing to ENI-CBC programmes for the accounting years starting on 1 July 2021, 1 July 2022 and 1 July 2023 respectively, so that national co-financing is no longer required;

- establish retroactive eligibility to the start of the Russian invasion (24 February 2022) for projects addressing migratory challenges under ENI-CBC programmes;

- set out appropriate actions by programme managing authorities to accelerate the necessary changes to projects already approved and halfway through their implementation, including large infrastructure projects;

- reduce certain regulatory obligations, in particular as regards on-the-spot checks, in order to provide greater flexibility for the verifications to be carried out by the managing authority;

- derogate, exceptionally, from the requirement for all projects to have at least one beneficiary from a partner country and for all activities to have a genuine cross-border or transnational impact;

- provide for the necessary adaptations to allow flexibility for lead beneficiaries in their regulatory obligations towards the programme authorities on behalf of the whole project partnership;

- simplify the confirmation procedure for directly awarded projects in order to speed up the selection and award of new projects;

- simplify financial transfers and allow direct transfers without payments passing via lead beneficiaries;

- provide for the possibility of changing the method of conversion into euro as chosen at the beginning of the implementation of the programme by introducing the option to be able to choose again the point in time of the conversion;

- amend the relevant provisions of the Cohesion Policy to allow two transnational cooperation programmes supported by the ENI and the European Regional Development Fund (ERDF) to operate normally, namely the Baltic Sea Region Programme with the participation of Russia and the Danube Programme with the participation of Ukraine and the Republic of Moldova.

## Specific provisions for the 2014-2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption

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The European Parliament adopted by 541 votes to 22, with 13 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down specific provisions for the 2014?2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption.

The European Parliament adopted its position at first reading by taking over the Commission's proposal.

The proposed regulation lays down specific provisions for thirteen cross-border cooperation programmes governed by Regulation (EU) No 232/2014 establishing a European Neighbourhood Instrument (ENI) and two transnational cooperation programmes governed by Regulation (EU) No 1299/2013, laying down specific provisions on the contribution of the European Regional Development Fund to the European territorial cooperation objective, with regard to programme implementation disruption following Russias military aggression against Ukraine and the involvement of Belarus in that aggression.

As a result of Russia's military aggression as well as Belarus' involvement in this aggression, the implementation of thirteen cross-border cooperation programmes and two transnational cooperation programmes between nine Member States and Ukraine and the Republic of Moldova on the one hand, and Russia and Belarus on the other hand, is significantly disrupted for various reasons.

The Regulation aims to:

- facilitate the use of ENI and cohesion policy resources by Member States and regions to support measures to address migratory challenges as a result of the military aggression by Russia;

- allow for a derogation from the normal co-financing rules currently applicable in order to allow for the necessary flexibility to mobilise existing investment resources to address the direct and indirect effects stemming from the Russian invasion of Ukraine and the unprecedented public health crisis in the context of the COVID19 pandemic.

The exceptional targeted changes to the 2014-2020 legal framework for cooperation programmes under the European Neighbourhood Instrument (ENI) include:

- apply 100% co-financing to ENI-CBC programmes for the accounting years starting on 1 July 2021, 1 July 2022 and 1 July 2023 respectively, so that national co-financing is no longer required;
- establish retroactive eligibility to the start of the Russian invasion (24 February 2022) for projects addressing migratory challenges under ENI-CBC programmes;
- set out appropriate actions by programme managing authorities to accelerate the necessary changes to projects already approved and halfway through their implementation, including large infrastructure projects;
- provide for the possibility of carrying out administrative verifications only, as disruptions in the implementation of programmes may mean that it is no longer possible to carry out on-the-spot verifications of projects in Ukraine;
- derogate exceptionally from the obligation for all projects to have at least one beneficiary from a partner country and for all activities to have genuine cross-border or transnational impact and benefits;
- address the exceptional circumstances, it is necessary to allow projects addressing the migratory challenges to be selected without a prior call for proposals in exceptional and duly substantiated cases;
- allow for direct payment of the grants from the managing authority to the project beneficiaries in Member States and in partner countries whose financing agreements are not suspended;
- provide for some derogations from certain provisions of Regulation (EU) No 1299/2013 in order to allow for the application of the provisions established for the cooperation programmes supported by the ENI also to the Interreg Baltic Sea Region Programme and the Danube Transnational Programme.